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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,973	09/05/2002	Tomohiro Sawa	086142-0536	9016

22242 7590 06/18/2004

FITCH EVEN TABIN AND FLANNERY
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SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

DRAPER, DEANN L

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,973

Applicant(s)

SAWA, TOMOHIRO

Examiner

Deanna L. Draper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9, 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Acknowledgements

The Amendment filed by the Applicant on March 15, 2004 is acknowledged. Claims 8 – 10 have been added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaname et al. (US JP 7-125606). Kaname discloses a hood air bag device, including an airbag (15 in Fig. 2) which can be deployed from a rear portion of a hood along an outer surface of a windshield of a motor vehicle, where the hood has a front portion (12a in Fig. 2) and a cowl/rear portion comprising a regulating member (14 in Fig. 2) for deflecting the airbag toward the windshield when the airbag deploys, and the airbag is located between the regulating member and the windshield (see Fig. 2). The regulating member has a top surface that is positioned essentially flush with the hood (see Fig. 2), is pivotally connected to the front portion of the hood (see 14a in Fig. 2), and moves upwardly away from the front portion of the hood as the airbag deploys. The regulating member is positioned so that the tilting movement is limited by the hood (see Fig. 2 – tilting movement is limited by spring 17 on the hood) .

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Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Matsuura et al. (US 6,182,782). Matsuura discloses a device for reducing the impact of pedestrians including a vehicle having a hood (12 in Fig. 1A) with an airbag (33 in Fig. 1A) being deployed along the vehicle windshield (10 in Fig. 1A), and a rear portion of the hood closer to the rear of the hood than the front thereof with the airbag deploying from the hood rear portion toward the vehicle windshield (see Fig. 1A).

Allowable Subject Matter

Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed March 15, 2004 have been fully considered but they are not persuasive. The Applicant claims that the airbag disclosed by Kaname is not deployed “from a *rear portion of the hood*” (italics added). The Examiner disagrees. Kaname discloses a vehicle with a front (see attachment) – anything rearward of the front of the hood could be considered a “rear portion” of the hood. The Applicant has not clearly defined the “front” and “rear” of the hood in the rejected claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ryan et al. (US 6,712,169) discloses a displaceable automotive hood assembly.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939. The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dld


DEANNA DRAPER
PATENT EXAMINER

 4/14/04
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

【図面の簡単な説明】

【図1】この発明の第1実施例のフードエアバッグ装置を装備した車両の平面図である。

【図2】図1のI-I線断面図である。

【図3】この発明の第2実施例のフードエアバッグ装置を装備した車両の分解斜視図である。

【図4】図3のI-V線断面図である。

【図5】この発明の第3実施例のフードエアバッグ装置を装備した車両の斜視図である。

【図6】図5のV-I線断面図である。

【図7】この発明の第4実施例のフードエアバッグ装置のリッドを閉じた状態の開口部を示す概略説明図である。

【図8】図7のV-I-I線断面図である。

【図9】第4実施例のフードエアバッグを展開した状態を示す説明図である。

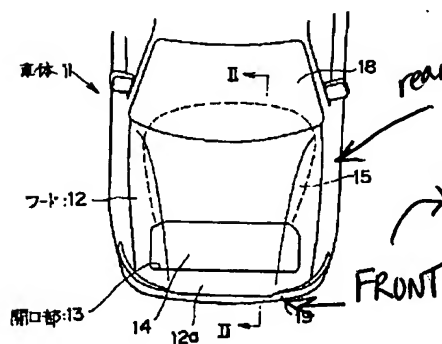
【図10】第4実施例のフードエアバッグを展開した別の例を示す説明図である。

【図11】従来の歩行者保護手段を備えた車両の概略説明図である。

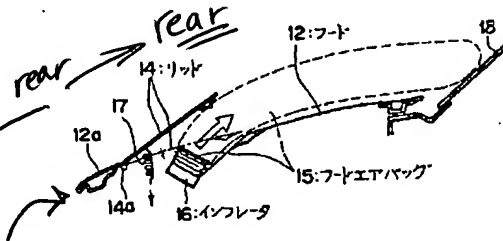
【符号の説明】

- 11 車体
- 12 フード
- 13 開口部
- 14 リッド
- 15 フードエアバッグ
- 16 インフレーター
- 22 第1フード
- 32a フードバルジ
- 44 リッド
- 48 ブラケット

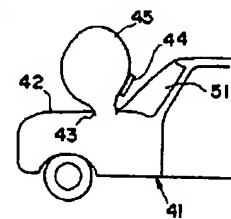
【図1】



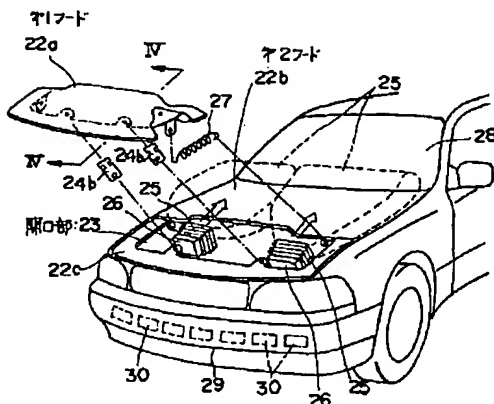
【図2】



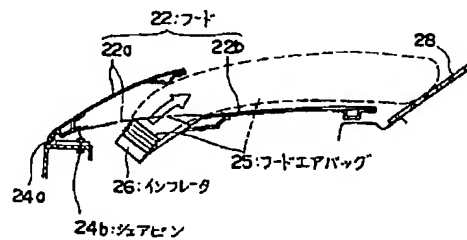
【図10】



【図3】



【図4】



【図5】

